



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 3, 2016
System No. 1502449

Bobby Baker, Treasurer
Cypress Canyon Water Association Water System
P. O. Box 82
Lake Isabella, CA 93240

RE: Non Compliance of Cypress Canyon Water Association Water System with the Distribution Operator Requirements

Dear Ms. Baker:

Attached you will find Citation No. 03_19_16C_026 that the State Water Resources Control Board (hereinafter State Board), Division of Drinking Water is issuing to the Cypress Canyon Water Association Water System (hereinafter Water System) to document the Cypress Canyon Water Association Water System's noncompliance with the distribution operator requirements, as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations (details provided in Citation No. 03_19_16C_026). **The citation includes a penalty of \$500 (five hundred dollars).** Please note that Directives Nos. 5 and 6 of the Citation describe how to pay the penalty and further provide that if the Water System complies with Directives Nos. 1 and 2 before the payment becomes due, and upon a written request from the Water System, the State Board will consider, at its sole discretion, terminating the requirement to pay the penalty.

Per Section 64413.3 of the California Code of Regulations (CCR), the distribution system of the Cypress Canyon Water Association Water System is classified as a **D1** facility, and per Section 63770 of the CCR, the minimum required certification for the distribution operator is **D1**. The State Board previously issued Citation No. 03-19-14C-028 on December 8, 2014, to the Water System, with a deadline of **January 31, 2015**, to either employ or contract a distribution operator with the adequate certification level. **Based on current review of the State Board's records, the Cypress Canyon Water Association Water System has failed to comply.**

Please note that a written response to the citation is required by May 13, 2016. In addition, the citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty.

The California Safe Drinking Water Act, Section 116577, provides for the State Board to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, the Water System has been billed for the preparation and issuance of this citation. The State Board's current billing rate for enforcement

May 3, 2016

activities is \$153 per hour. The hourly rate is subject to review and change upon approval. You will receive a bill for these costs following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

If you have any questions concerning any directive of the citation, please call the Tehachapi District Office of the State Board at (661) 335-7315.

Sincerely,



Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03_19_16C_026

CC: Kern County Environmental Health Services Department (w/o enclosure)

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Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

1 The State Water Resources Control Board (hereinafter "State Board"), acting by and through its
2 Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division
3 (hereinafter "Deputy Director"), hereby issues a citation to the Cypress Canyon Water
4 Association Water System (hereinafter "Water System") (mailing address: P. O. Box 82, Lake
5 Isabella, CA 93240) for violation of the California H&S Code, Sections 106885 (b) and 116555
6 (b), and California Code of Regulations (CCR), Title 22, Sections 63770 (b), (c), and (d), as
7 described below. Excerpts from the H&S Code and CCR are provided as **Attachments A and**
8 **B** to Citation No. 03-19-14C-028 (**Attachment A**) that the State Board previously issued on
9 December 8, 2014, to the Water System for the same violation.

10
11 1. Section 106885 (b), Article 3, Chapter 4, Part 1, Division 104, H&S Code – All persons who
12 are in responsible charge of the water distribution system of a community water system or a
13 nontransient noncommunity water system shall possess a valid and current water
14 distribution operator certificate of the appropriate grade in accordance with the regulations
15 referred to in Section 106910. Specifically, the Cypress Canyon Water Association Water
16 System is currently being operated and maintained without a valid water distribution
17 operator certificate (issued by the State Board) to comply with the Operator Certification
18 Regulations (Regulations) that became effective on January 2001.

19 2. Section 116555 (b), Article 7, Chapter 4, Part 12, Division 104, H&S Code – Any person
20 who owns a community water system or a nontransient noncommunity water system shall
21 do all of the following:

- 22
23 (1) Employ or utilize only water distribution system operators who have been
24 certified by the State Board at the appropriate grade for positions in responsible
25 charge of the distribution system.
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27

- 1 (2) Place the direct supervision of the water system, including water treatment
2 plants, water distribution systems, or both under the responsible charge of an
3 operator or operators holding a valid certification equal to or greater than the
4 classification of the treatment plant and the distribution system.

5
6 Specifically, the Cypress Canyon Water Association Water System does not currently
7 employ or utilize certified water distribution operators for positions in responsible charge of
8 the distribution system and has failed to comply with the operator certification requirements
9 in the past. In addition, the direct supervision of the distribution system of the Water System
10 has been under the responsible charge of persons without a valid distribution operator
11 certification.

- 12 3. Subsections 63770 (b), (c), and (d), Article 2, Chapter 13, Division 4, Title 22, California
13 Code of Regulations (CCR) – An individual who makes decisions addressing the operational
14 activities identified in Subsections 63770 (b), (c), and (d) must possess a distribution
15 operator certificate. Specifically, the Association members have been making decisions in
16 the operation and maintenance of the water system without a valid water distribution
17 operator certificate issued by the State Board since the Regulations became effective on
18 January 2001.

19
20 In accordance with Section 116650 (c) of Article 9 of the H&S Code, the above violations are
21 classified as continuing violations.

22 23 BACKGROUND

24 The Cypress Canyon Water Association Water System is a small community water system.
25 The Cypress Canyon Water Association Water System provides domestic water to its
26 customers in the service area near Lake Isabella in Kern County. The Water System serves a
27 population of approximately 50 via 34 service connections.

1
2 The Cypress Canyon Water Association Water System operates under the authority of Water
3 Supply Permit No. 03-19-11P-001, issued on March 4, 2011. There have been no amendments
4 to the original permit to date.

5
6 Records show that the State Board has previously informed the Water System on several
7 occasions of the Regulations that require the Water System to employ a certified distribution
8 operator to operate and maintain the water system. In a letter dated February 7, 2001, the
9 State Board (previously Department of Health Services) notified the Water System of the then
10 newly adopted Regulations that the Cypress Canyon Water Association Water System is
11 classified as a D1 system. The State Board sent another letter dated March 24, 2014, to the
12 Water System about noncompliance with the distribution operator requirements, with a deadline
13 of July 1, 2014, to obtain the services of a certified operator with D1 or higher certification. On
14 December 8, 2014, the State Board issued Citation No. 03-19-14C-028 (copy provided as
15 **Attachment A**) to the Water System for failure to comply with the distribution operator
16 requirements. In response to the citation, the Water System informed the State Board that Rick
17 Gonzales from Piute Pump Company was their certified distribution operator. Based on current
18 review of the State Board's records, Rick Gonzales is no longer the certified distribution
19 operator of the Water System. On April 15, 2016, the State Board sent an email to Ms. Bobby
20 Baker with the Water System, requesting information about the certified distribution operator.
21 The Water System failed to submit any response to the email and is considered in violation of
22 the distribution operator requirements.

23
24 Based on aforementioned information, the Cypress Canyon Water Association Water System is
25 being operated without a designated certified distribution operator and has failed to comply with
26 Sections 63770 (b), (c), and (d) of Title 22, California Code of Regulations.
27

ADMINISTRATIVE PENALTIES

Section 116650(a) of the CHSC allows for the issuance of a citation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, permit, standard, citation, or order issued thereunder. Section 116650(d) and (e) allow for the assessment of a penalty not to exceed one thousand dollars (\$1,000) per day for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Despite the State Board's efforts to work with the Water System and Directives in the previous Citation No. 03-19-14C-028, the Water System has failed to comply with the provisions of the CHSC and CCR, by not having a certified distribution operator to supervise the operator of the distribution system and activities discussed under Section 63770 (b), (c), and (d) of Title 22, CCR. Therefore, the State Board hereby assesses an administrative penalty of five hundred dollars (\$500) upon the Cypress Canyon Water Association Water System. Directives Nos. 5 and 6 below describe the requirements for payment of the Penalty and conditions under which the State Board may waive the requirement to pay the penalty.

DIRECTIVES

The Cypress Canyon Water Association Water System is hereby directed to take the following actions:

- 1) Cease violating the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3, Subsection 106885 (b). Specifically, by **May 31, 2016**, the Cypress Canyon Water Association Water System must employ or have a written contract with a water distribution system operator who has been certified by the State Board at the appropriate grade for positions in responsible charge of the distribution system.
- 2) Submit a plan to the State Board by **May 13, 2016**, describing how the Water System will comply with the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3,

1 Subsection 106885 (b). The Water System may contract with a certified water distribution
2 system operator, have one of its employees become a certified water distribution system
3 operator, or consolidate with another public water system.

- 4
- 5 3) Should the plan in Directive No. 2 above include having one of its employees become a
6 certified water distribution system operator, the Cypress Canyon Water Association Water
7 System shall ensure that the member submits a completed application and filing fee to the
8 State Board for the operator certification exam by the final filing date of July 1, 2016, for the
9 test date of September 17, 2016. Additional information about the operator certification
10 exam is also available on the State Board's website.

11 http://www.waterboards.ca.gov/drinking_water/certlic/occupations/DWopcert.shtml

12

- 13 4) Submit the items required in Directive Nos. 2 and 3 above to the State Water Resources
14 Control Board, Division of Drinking Water, to the attention of Jaswinder S. Dhaliwal, Senior
15 Sanitary Engineer, at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.
- 16
- 17 5) Pay the Penalty of five hundred dollars (\$500) within 60 days of date of issue of this Citation.
18 Payment (in the form of a check) shall be made payable to the State Water Resources
19 Control Board, Division of Drinking Water. Further instructions on submittal of the payment
20 are provided in **Attachment B, Notice of Citation Issuance**.
- 21
- 22 6) If the Water System complies with Directives Nos. 1 and 2 before the payment
23 becomes due, and upon a written request from the Water System, the State Board will
24 consider, at its sole discretion, terminating the requirement to pay the penalty.
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1 All submittals required by this Citation shall be addressed to:

2
3 Jaswinder S. Dhaliwal, P.E.
4 State Water Resources Control Board
5 Division of Drinking Water, Tehachapi District
6 4925 Commerce Drive, Suite 120
7 Bakersfield, CA 93309

8 As used in this Citation, the date of issuance shall be the date of this Citation; and the date of
9 service shall be the date of service of this Citation, personal or by certified mail, on the Water
10 System or its owner of record.

11 The State Board reserves the right to make such modifications to the Citation as it may deem
12 necessary to protect public health and safety. Such modifications may be issued as
13 amendments to this Citation and shall be effective upon issuance.

14 Nothing in this Citation relieves Cypress Canyon Water Association of its obligation to meet the
15 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing
16 with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

17 **FURTHER ENFORCEMENT ACTIONS**

18 Section 116270, Division 104, Part 12, Chapter 4 of the H&S Code authorizes the State Board
19 to: issue additional citations with assessment of penalties if the public water system continues
20 to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that
21 has been issued to a public water system if the system has violated applicable law or
22 regulations or has failed to comply with the Directives of the State Board; and petition the
23 superior court to take various enforcement measures against a public water system that has
24 failed to comply with the Directives of the State Board. The State Board does not waive any
25 further enforcement action by issuance of this citation, and expressly reserves the right to issue
26 a citation with penalties for the violations on which the Directives of this citation are based.
27

PARTIES BOUND

This citation shall apply to and be binding upon Cypress Canyon Water Association Water System, its officers, directors, agents, employees, contractors, successors, and assignees.


SEVERABILITY

The directives of this citation are severable, and Cypress Canyon Water Association Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTY

Section 116650, subsections (d) and (e) of the H&S Code allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act.

Failure to comply with any Directive of this Citation may result in the State Board imposing an administrative penalty not to exceed one thousand dollars (\$1,000) per day for each day that the violation continues beyond the date set for correction in this Citation. The Cypress Canyon Water Association Water System has been billed at the current hourly rate since this is an enforcement action for noncompliance with the regulations.


Carl L. Carlucci, P.E., Chief
Central California Section
State Water Resources Control Board
Division of Drinking Water

Date

5-3-2016



Via Certified Mail No. 7015 1660 0000 0781 7728

Attachments:

Attachment A: Citation No. 03-19-14C-028, Issued on December 8, 2014
Attachment B: Notice of Citation Issuance

cc: Kern County Environmental Health Services Department (w/o attachments)
(JSD/jsd)

ATTACHMENT A

Citation No. 03-19-14C-028



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

December 8, 2014
System No. 1502449

Larry Schuppan, Board President
Cypress Canyon Water Association Water System
P. O. Box 82
Lake Isabella, CA 93240

**RE: Non Compliance of Cypress Canyon Water Association Water System with the
Distribution Operator Requirements**

Dear Mr. Schuppan:

Attached you will find Citation No. 03-19-14C-028 that the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) is issuing to the Cypress Canyon Water Association Water System (hereinafter Water System) to document the Cypress Canyon Water Association Water System's noncompliance with the distribution operator requirements, as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations (details provided in Citation No. 03-19-14C-028).

Per Section 64413.3 of the California Code of Regulations (CCR), the distribution system of the Cypress Canyon Water Association Water System is classified as a D1 facility, and per Section 63770 of the CCR, the minimum required certification for the distribution operator is D1. The Division previously sent a reminder letter dated March 24, 2014, to the Cypress Canyon Water Association Water System with a deadline of July 1, 2014, to either employ or contract a distribution operator with the adequate certification level. Based on current review of the Division's records, the Cypress Canyon Water Association Water System has failed to comply.

Please note that a written response to the citation is required by December 22, 2014. In addition, the citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty. If you have any questions concerning any directive of the citation, please call the Tehachapi District Office of the Division at (661) 335-7315.

Sincerely,

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03-19-14C-028

CC: Kern County Environmental Health Services Department (w/o enclosure)

1 STATE OF CALIFORNIA
2 WATER RESOURCES CONTROL BOARD
3 DIVISION OF DRINKING WATER
4

5 IN RE: Cypress Canyon Water Association Water System
6 P. O. Box 82
7 Lake Isabella, CA 93240
8

9 TO: Larry Schuppan
10 Board President

11 CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,

12 TITLE 22, SECTION 63770 (b), (c), and (d)

13 WATER SYSTEM NO. 1502449

14 CITATION NO. 03-19-14C-028

15 Issued on: December 8, 2014
16

17
18 Section 116650 of Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety
19 Code (H&S Code), authorizes the issuance of a citation for the failure to comply with a
20 requirement of the California Safe Drinking Water Act, or any regulation, standard, permit or
21 order issued thereunder.

22 VIOLATION

23 Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to
24 a public water system for violation of the California Safe Drinking Water Act (Health and Safety
25 Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter
26 "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.
27

1
2 The State Water Resources Control Board, acting by and through its Division of Drinking Water
3 (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"),
4 hereby issues a citation to the Cypress Canyon Water Association Water System (hereinafter
5 Water System) (mailing address: P. O. Box 82, Lake Isabella, CA 93240) for violation of the
6 California H&S Code, Sections 106885 (b) and 116555 (b), and California Code of Regulations
7 (CCR), Title 22, Sections 63770 (b), (c), and (d), as described below. Excerpts from the H&S
8 Code and CCR are provided as **Attachments A and B**.

9
10 1. Section 106885 (b), Article 3, Chapter 4, Part 1, Division 104, H&S Code – All persons who
11 are in responsible charge of the water distribution system of a community water system or a
12 nontransient noncommunity water system shall possess a valid and current water
13 distribution operator certificate of the appropriate grade in accordance with the regulations
14 referred to in Section 106910. Specifically, the Cypress Canyon Water Association Water
15 System is currently being operated and maintained without a valid water distribution
16 operator certificate (issued by the Division) to comply with the Operator Certification
17 Regulations (Regulations) that became effective on January 2001.

18 2. Section 116555 (b), Article 7, Chapter 4, Part 12, Division 104, H&S Code – Any person
19 who owns a community water system or a nontransient noncommunity water system shall
20 do all of the following:

21
22 (1) Employ or utilize only water distribution system operators who have been
23 certified by the department at the appropriate grade for positions in responsible
24 charge of the distribution system.

25
26 (2) Place the direct supervision of the water system, including water treatment
27 plants, water distribution systems, or both under the responsible charge of an

1 operator or operators holding a valid certification equal to or greater than the
2 classification of the treatment plant and the distribution system.

3
4 Specifically, the Cypress Canyon Water Association Water System does not currently
5 employ or utilize certified water distribution operators for positions in responsible charge of
6 the distribution system and has failed to comply with the operator certification requirements
7 in the past. In addition, the direct supervision of the distribution system of the Water System
8 has been under the responsible charge of persons without a valid distribution operator
9 certification.

- 10 3. Subsections 63770 (b), (c), and (d), Article 2, Chapter 13, Division 4, Title 22, California
11 Code of Regulations (CCR) – An individual who makes decisions addressing the operational
12 activities identified in Subsections 63770 (b), (c), and (d) must possess a distribution
13 operator certificate. Specifically, the Association members have been making decisions in
14 the operation and maintenance of the water system without a valid water distribution
15 operator certificate issued by the Division since the Regulations became effective on
16 January 2001.

17
18 In accordance with Section 116650 (c) of Article 9 of the H&S Code, the above violations are
19 classified as continuing violations.

20
21 **BACKGROUND**

22 The Cypress Canyon Water Association Water System is a small community water system.
23 The Cypress Canyon Water Association Water System provides domestic water to its
24 customers in the service area near Lake Isabella in Kern County. The Water System serves a
25 population of approximately 50 via 34 service connections.
26
27

1 The Cypress Canyon Water Association Water System operates under the authority of Water
2 Supply Permit No. 03-19-11P-001 issued on March 4, 2011. There have been no amendments
3 to the original permit to date.

4
5 Records show that the Division has informed the Water System on several occasions of the
6 Regulations that require the Water System to employ a certified distribution operator to operate
7 and maintain the water system. In a letter dated February 7, 2001, the Division (previously
8 Department of Health Services) notified the Water System of the then newly adopted
9 Regulations that the Cypress Canyon Water Association Water System is classified as a D1
10 system. The Division sent another letter dated March 24, 2014 (copy provided as Attachment
11 C), to the Water System about noncompliance with the distribution operator requirements, with
12 a deadline of July 1, 2014, to obtain the services of a certified operator with D1 or higher
13 certification.

14 Based on aforementioned information, the Cypress Canyon Water Association Water System is
15 being operated without a designated certified distribution operator.

16
17 **DIRECTIVES**

18 The Cypress Canyon Water Association Water System is hereby directed to take the following
19 actions:

- 20
21 1) Cease violating the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3,
22 Subsection 106885 (b). Specifically, by January 31, 2015, the Cypress Canyon Water
23 Association Water System must employ or have a written contract with a water distribution
24 system operator who has been certified by the Division at the appropriate grade for positions
25 in responsible charge of the distribution system.
26
27

1 2) Submit a plan to the Division by December 22, 2014, describing how the Water System will
2 comply with the requirements of H&S Code, Division 104, Part 1, Chapter 4, Article 3,
3 Subsection 106885 (b). The Water System may contract with a certified water distribution
4 system operator, have one of its employees become a certified water distribution system
5 operator, or consolidate with another public water system.

6
7 3) Should the plan in Directive No. 2 above include having one of its employees become a
8 certified water distribution system operator, the Cypress Canyon Water Association Water
9 System shall ensure that the member submits a completed application and filing fee to the
10 Division for the operator certification exam by the final filing date of January 2, 2015, for the
11 test date of March 21, 2015. Additional information about the operator certification exam is
12 also available on the Division's website.

13 http://www.waterboards.ca.gov/drinking_water/certlic/occupations/DWopcert.shtml
14

15 4) Submit the items required in Directive Nos. 2 and 3 above to the State Water Resources
16 Control Board, Division of Drinking Water, to the attention of Jaswinder S. Dhaliwal, Senior
17 Sanitary Engineer, at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.

18
19 5) Update the Division in writing of the Water System's progress in complying with the
20 Directives of this citation, every quarter beginning April 1, 2015.

21 **FURTHER ENFORCEMENT ACTIONS**
22

23 Section 116270, Division 104, Part 12, Chapter 4 of the H&S Code authorizes the Division to:
24 issue additional citations with assessment of penalties if the public water system continues to
25 fail to correct a violation identified in a citation; take action to suspend or revoke a permit that
26 has been issued to a public water system if the system has violated applicable law or
27 regulations or has failed to comply with the Directives of the Division; and petition the superior

1 court to take various enforcement measures against a public water system that has failed to
2 comply with the Directives of the Division. The Division does not waive any further enforcement
3 action by issuance of this citation, and expressly reserves the right to issue a citation with
4 penalties for the violations on which the Directives of this citation are based.

5 **PARTIES BOUND**

6 This citation shall apply to and be binding upon Cypress Canyon Water Association Water
7 System, its officers, directors, agents, employees, contractors, successors, and assignees.
8

9
10 **SEVERABILITY**


11 The directives of this citation are severable, and Cypress Canyon Water Association Water
12 System shall comply with each and every provision thereof, notwithstanding the effectiveness of
13 any other provision.
14

15 **CIVIL PENALTY**

16 Section 116650, subsections (d) and (e) of the H&S Code allow for the assessment of a civil
17 penalty for the failure to comply with the requirements of the Safe Drinking Water Act.

18 Failure to comply with any Directive of this Citation may result in the Division imposing an
19 administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation
20 continues beyond the date set for correction in this Citation. The Cypress Canyon Water
21 Association Water System has been billed at the current hourly rate of \$128.00 since this is an
22 enforcement action for noncompliance with the regulations.
23

24 Dec. 8, 2014
25 Date

26 
27 Jaswinder S. Dhaliwal, P.E.,
Senior Sanitary Engineer
Division of Drinking Water
State Water Resources Control Board

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Attachments:

- Attachment A: Excerpts from California Health & Safety Code
- Attachment B: Excerpts from Title 22, California Code of Regulations
- Attachment B: Letter dated March 24, 2014

cc: Kern County Environmental Health Services Department (w/o attachments)

(JSD/jsd)

ATTACHMENT A – CALIFORNIA HEALTH & SAFETY CODE

Section 106885 of the CHSC, states in relevant part:

“(a) All persons who operate or supervise the operation of water treatment plants shall possess a valid and current water treatment operator certificate or water treatment operator-in-training certificate of appropriate grade in accordance with the regulations referred to in Section 106910.

(b) All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910.”

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

ATTACHMENT B – TITLE 22, CALIFORNIA CODE OF REGULATIONS

§63770. Distribution System Staff Certification Requirements.

(a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-

A.

**Table 63770-A
Minimum Certification Requirements for Chief and Shift Operators**

<i>Distribution System Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

- (1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.
- (2) Shutdown, repair, disinfect and test broken water mains.
- (3) Oversee the flushing, cleaning, and pigging of existing water mains.
- (4) Pull, reset, rehabilitate, disinfect and test domestic water wells.
- (5) Stand-by emergency response duties for after hours distribution system operational emergencies.
- (6) Drain, clean, disinfect, and maintain distribution reservoirs.

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

- (1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.
- (2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

- (1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.
- (2) Investigate water quality problems in the distribution system.

§64413.3. Classification of Distribution Systems.

The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A unless modified pursuant to subsection(b). For a wholesaler, the population served shall include the customers served by its retailers.

**Table 64413.3-A.
Distribution System Classifications**

<i>Population Served</i>	<i>Class</i>
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

(b) The class determined pursuant to (a) shall be upgraded by one level if the population served is 5 million or less and the sum of all the points from paragraphs (1) through (6) exceeds 20.

(1) The points for pressure zones shall be zero for up to three zones, 4 for four to ten zones, or 6 for more than ten zones.

(2) The points for disinfectants used shall be zero if no disinfectant is applied in the distribution system and no more than one type of disinfectant residual is entering the distribution system. The points shall be 5 if a single disinfectant or ammonia is applied in the distribution system. The points shall be 8 if there are multiple disinfectants in the system.

(3) The points based on the largest single pump in the system for which the distribution operator is responsible shall be 4 for up to fifty horsepower, or 6 for fifty or more horsepower.

(4) The points for distribution storage reservoirs in the system shall be 4 for one to five reservoirs, or 6 for greater than five.

(5) The points for one or more existing uncovered distribution reservoirs shall be 10.

(6) The points to be added if any of the distribution system customers are also served by a non-potable water distribution system shall be 6. This does not apply to wholesalers if the only customers receiving non-potable water are served by its retailers.

Attachment C



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

March 24, 2014
System No. 1502449

Larry Schuppan, President
Cypress Canyon Water System
P.O. Box 82
Lake Isabella, CA 93240

RE: Distribution Operator Compliance

Dear Mr. Schuppan:

The purpose of this letter is to notify you that per Section 106885(b) of the California Health and Safety Code, Cypress Canyon Water System (Water System) is required to have a certified distribution operator. A review of our records indicates the Water System does not have a certified distribution operator with adequate certification. Per Section 64413.3 of the California Code of Regulations (CCR) (attached) the distribution system is classified as a **D1** facility, and per Section 63770 of the CCR (attached), the minimum required certification for the distribution operator is **D1**.

By July 1, 2014, the Water System shall employ or contract a distribution operator with the adequate certification level, or ensure that the current operator obtains a distribution operator certificate with the adequate certification level. A copy of the distribution operator's certificate shall be submitted to this office. If the operator is contracted, a copy of the contract shall also be submitted. **Failure to comply will result in formal enforcement action document issued by the Department.**

If you have any questions regarding this letter, please contact our office at (661) 335-7315.

Sincerely,

Jaswinder S. Dhallwal, P.E.
Senior Sanitary Engineer, Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachment: Section 64413.3 & 63770 of the California Code of Regulations

cc: Kern County Environmental Health Services (w/o attachment)

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ATTACHMENT B

Notice of Citation Issuance

DRINKING WATER FIELD OPERATIONS BRANCH

**NOTICE OF CITATION ISSUANCE
PENALTY**

BACKGROUND STATEMENT

The State Water Resources Control Board, Division of Drinking Water, issued **Citation No. 03_19_16C_026** to **Cypress Canyon Water Association Water System** (Public Water System No. 1502449).

This Citation carries a penalty of \$500.00 (five hundred dollars).

METHOD OF PAYMENT

Within 60 days of date of issuance of this Citation, submit a check in the amount of \$500.00 made payable to:

SWRCB – Division of Drinking Water

and mail to:

**SWRCB Accounting Office
ATTN: Drinking Water Program Fees
P.O. Box 1888
Sacramento, CA 95812-1888**

(Please indicate the Citation No. 03_19_16C_026 on the Check)

(Attach Check Here)